

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
v.	:	ORDER
	:	20-CR-384 (WFK)
GORGI NAUMOVSKI,	:	
	:	
Defendant.	:	
-----X		

WILLIAM F. KUNTZ, II, United States District Judge:

On September 7, 2023, the Government moved to exclude Rosie Naumovski, the wife of Defendant Gorgi Naumovski (“Defendant”), from the courtroom gallery until after she completes her testimony in this case. ECF No. 98. The Government further requests the Court order Ms. Naumovski not to review trial transcripts or trial evidence until she has finished testifying. *Id.*

Rule 615 of the Federal Rules of Evidence states that upon the request of a party, courts must order witnesses excluded so that they cannot hear other witnesses’ testimony. The court may also issue such a ruling *sua sponte*. However, this rule does not authorize the exclusion of “(a) a party who is a natural person; (b) an officer or employee of a party that is not a natural person, after being designated as the party’s representative by its attorney; (c) a person whose presence a party shows to be essential to presenting the party’s claim or defense; or (d) a person authorized by statute to be present.” Fed. R. Evid. 615. The defense has listed Ms. Naumovski as a potential witness. Since Ms. Naumovski does not fall into any of the enumerated categories of those authorized to hear the testimony of other witnesses, the Court bars Ms. Naumovski from attending this trial until she finishes testifying in this case. The Court further orders Ms. Naumovski not to review trial transcripts or evidence until her testimony is complete.

Accordingly, the Court GRANTS the Government’s motion at ECF No. 98 pursuant to Rule 615.

On September 9, 2023, Defendant Gorgi Naumovski (“Defendant”) moved to compel the Government “to produce a copy of the presentation given by attorney Seth Lundy of King & Spalding on behalf of Andrew Chmiel to government agents and prosecutors in or about August 2017 and any and all notes taken by prosecutors or agents of the government during the Presentation.” ECF No. 100. The Government filed its response on September 10, 2023. ECF No. 102. In opposition to Defendant’s Motion, the Government notes it is not “in the possession, custody, or control” of the materials Defendant now seeks. *Id.* Accordingly, the Government argues it cannot produce these items nor can it more generally be held responsible for turning over material it does not possess. *See id.* at 2 (citing *Gist v. United States*, 16-CR-656-6 (GHW), 2021 WL 3774289, at *16 (S.D.N.Y. Aug. 24, 2021) (Woods, J.); *United States v. Blaszcak*, 308 F. Supp. 3d 736, 741-42 (S.D.N.Y. 2018) (Kaplan, J.)). The Court agrees. Thus, the Court DENIES Defendant’s Motion at ECF No. 100.

SO ORDERED.

s/ WFK

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HON. WILLIAM F. KUNTZ, II —
UNITED STATES DISTRICT JUDGE

Dated: September 11, 2023
Brooklyn, New York